

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VENACIO RIVERA,

Petitioner,

v.

ROSEMARY NDOH,

Respondent.

Case No. 1:20-cv-01671-HBK

AMENDED ORDER TRANSFERRING  
CASE TO THE SOUTHERN DISTRICT  
OF CALIFORNIA

(Doc. Nos. 1, 12)

Petitioner Francisco Venacio Rivera, represented by counsel, is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. Nos. 1, 12). Petitioner a prisoner incarcerated in Kings County, which is located within the jurisdiction and venue of this court's Fresno Division, challenges his August 28, 2017 state sentence and conviction entered by the Superior Court of San Diego, which is located within the jurisdiction and venue of the San Diego Division of the United States District Court for the Southern District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Southern District of California and the Eastern District of California have concurrent jurisdiction. *See* 28 U.S.C. §

2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v. California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at \*1 (E.D. Cal. June 21, 2017) (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

Thus, the Court finds in its discretion “and in furtherance of justice” the petition should be transferred to the Southern District of California. 28 U.S.C. §§ 1404(a), 2241(d).

**Accordingly,**

1. The Clerk shall transfer this action to the United States District Court for the Southern District of California, San Diego Division; and
2. All future filings shall reference the new case number assigned and shall be filed at:

United States District Court  
Southern District of California  
San Diego Division  
333 West Broadway  
San Diego, CA 92101

IT IS SO ORDERED.

Dated: December 14, 2020

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE